

### **Remarks**

Initially, Applicant appreciates the indication of allowable subject matter. Claim 5, which was indicated to be allowable, has been rewritten in independent form, including the elements of Claims 1 and 3, from which it previously depended.

In the above referenced office action, claims 20-22 were rejected under 35 USC 112, second paragraph and 35 USC 101. By the above amendments, these claims have been cancelled, thereby obviating the rejections.

Claims 1, 2, 6, 7 and 9-16 were rejected under 35 USC 102(b) as being anticipated by Boedecker. Claims 17-19 were rejected under 35 USC 103(a) and being unpatentable over Boedecker. Claims 3, 4, and 8 were rejected under 35 USC 103(a) as being unpatentable over Boedecker in view of Morone. Applicant respectfully traverses as asserts that the pending claims are allowable.

Claim 1 provides a valve member that projects a coherent plane. The specification defines a coherent to mean that “no material has been stamped, punched or cut out, i.e., no material has been removed from within the outer contour of the valve element.” Specification at page 4, lines 2-3. In this manner, the coherent plane of the valve member is substantially continuous; that is, there are no holes or similar orifices through the valve, whereas a “slit” is permitted as a slit would not remove (or require the removal) from within the relevant contour. The shape and configuration of the connecting portion allows the valve to be retained in the housing by the retention mechanism. As articulated in the specification, this is important for valves on this scale because it obviates the opportunity for the small pieces cut or otherwise removed from the valve member (that would form the attachment holes) to remain with the valve member and prevent proper operation of the valve mechanism. Claim 12 also includes similar language relating to the valve member projecting a coherent plane. Claim 14 has been amended to recite a method that includes defining and separating a valve element having this configuration from a sheet-shaped material blank. Claim 15, as amended, is a method claim that recites cutting the valve element from a sheet material in a closed-line cut and providing a slit therethrough without generating waste material from within the area defined by the closed-line cut.

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Neither reference, alone or in combination teaches what is presently claimed. Boedecker provides an anti-reflux valve 34 that includes two apertures 40 disposed therethrough to facilitate attachment of the valve to seat by the pronged retaining member 42. As articulated above, this is an undesirable feature that is obviated by the configuration presented in the present claims. Similarly, Morone provides a one-way flap valve for an internal combustion engine. The valve 7 includes two holes 7a required for engagement by the fastening means to retain the flap in place.

None of the references, alone or in combination, teach or suggest a valve that projects a coherent plane as presently claimed; rather, each reference explicitly teaches and requires holes through the valve for attachment. Likewise, such holes require the removal of material from within the contour of the valve element.

Applicant respectfully asserts that the pending claims are in condition for allowance and respectfully requests notice of the same. Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,  
Kaern et al.,

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/Daniel G. Chapik/  
Daniel G. Chapik, Reg. No. 43,424  
Director of Patents  
Coloplast Corp., Coloplast A/S  
Customer No. 69289  
Telephone: (612) 344-2376